

## AMERICAN LEGISLATIVE EXCHANGE COUNCIL

### MEMORANDUM

**TO: COMMERCE, INSURANCE AND ECONOMIC DEVELOPMENT TASK FORCE MEMBERS**  
**FROM: COURTNEY O'BRIEN, TASK FORCE DIRECTOR**  
**DATE: JUNE 30, 2011**  
**RE: 35 DAY MAILING—2011 ANNUAL MEETING**

The American Legislative Exchange Council will host its 2011 Annual Meeting **August 3 - 6** at the **New Orleans Marriot, Louisiana**. You may register for the meeting [here](#).

The Commerce, Insurance and Economic Development Task Force will meet in **LA Gallery 5** from **2:30 – 5:30 pm on Friday, August 5<sup>th</sup>**. We have an exciting agenda including the introduction of policy on public-private partnerships, a national infrastructure bank, Multiple Award Schedule contracts, and long-term asset management. The Task Force will also consider amendments to the ALEC “Resolution on Franchise and Business Agreement Legislation.”

In addition to the consideration of policy, the Task Force meeting will host a panel on effective privatization: “Tapping the Private Sector to Save Money and Improve Performance.” This panel will share with membership how to increase competition in the states and encourage a thriving economy. More information on ALEC’s privatization initiative may be found [here](#).

The Task Force will also launch our three new subcommittees at the Annual Meeting. The subcommittees will meet in **LA Gallery 4** on the morning of **Wednesday, August 3rd**. The Financial Services, Labor and Business Regulation, and Transportation and Infrastructure Subcommittees will meet and cover issues such as: the effects of Dodd-Frank, Paid Family Medical Leave, and Vehicle Miles Traveled (VMT) taxes. The subcommittees will also request feedback from membership on the vision and goals for each advisory group. All Task Force members are encouraged to attend.

**Please find the following materials enclosed:**

- Annual Meeting Agenda-at-a-Glance
- Task Force Meeting Tentative Agenda
- Financial Services Subcommittee Agenda
- Labor and Business Regulation Subcommittee Agenda
- Transportation and Infrastructure Subcommittee Agenda
- 2011 Spring Task Force Summit Minutes
- Draft Model Legislation
- Task Force Roster
- ALEC Mission Statement
- Scholarship Policies by Meeting
- Annual Meeting Registration Forms
- ALEC Task Force Operating Procedures

I look forward to seeing all of you in New Orleans! If you have any questions or comments regarding the meeting, please contact me at 202-742-8504 or by e-mail at [cobrien@alec.org](mailto:cobrien@alec.org).

Sincerely,



Courtney O'Brien  
Commerce, Insurance and Economic Development Task Force Director

# ALEC 2011 Annual Meeting Agenda\*

*All meetings will be held in New Orleans Marriott unless otherwise*

## Monday, August 1

Board of Directors Reception, <i>by invitation only</i>	6:00 p.m. - 7:00 p.m.
Board of Directors Dinner, <i>by invitation only</i>	7:00 p.m. - 9:00 p.m.

## Tuesday, August 2

Registration Open	12:00 p.m. - 5:00 p.m.
Joint Board of Directors Meeting	9:00 a.m. - 5:30 p.m.
State Chairs Training	3:00 p.m. - 5:00 p.m.
Leadership Reception, <i>by invitation only</i>	6:00 p.m. - 7:00 p.m.
Leadership Dinner, <i>by invitation only</i>	7:00 p.m. - 9:00 p.m.
Hospitality Suite	9:00 p.m. - 11:00 p.m.

## Wednesday, August 3

Registration Open	7:30 a.m. - 5:00 p.m.
Task Force Subcommittee Meetings	7:30 a.m. - 11:30 a.m.
State Chairs Meeting	9:00 a.m. - 11:15 a.m.
ALEC Exhibition Hall Open	9:30 a.m. - 5:00 p.m.
<b>Opening Luncheon</b>	<b>11:30 a.m. - 1:30 p.m.</b>
Workshop I	1:45 p.m. - 3:00 p.m.
Workshop II	1:45 p.m. - 3:00 p.m.
Task Force Chairs Meeting, <i>by invitation only</i>	3:15 p.m. - 4:15 p.m.
Workshop III	3:15 p.m. - 4:30 p.m.
Workshop IV	3:15 p.m. - 4:30 p.m.
Chairman's Reception, <i>by invitation only</i>	5:00 p.m. - 6:00 p.m.
Louisiana Welcome Reception	6:30 p.m. - 8:30 p.m.
Hospitality Suite	9:00 p.m. - 11:00 p.m.

## Thursday, August 4

Registration Open	7:30 a.m. - 5:00 p.m.
ALEC Exhibition Hall Open	9:30 a.m. - 5:00 p.m.
<b>Plenary Breakfast</b>	<b>8:00 a.m. - 9:15 a.m.</b>
Workshop V	9:30 a.m. - 10:45 a.m.
Workshop VI	9:30 a.m. - 10:45 a.m.
Workshop VII	11:00 a.m. - 12:15 p.m.
Workshop VIII	11:00 a.m. - 12:15 p.m.
<b>Plenary Luncheon</b>	<b>12:30 p.m. - 2:15 p.m.</b>
Task Force Meetings	2:30 p.m. - 5:30 p.m.
<ul style="list-style-type: none"> <li>• Energy, Environment and Agriculture</li> <li>• Health and Human Services</li> <li>• International Relations</li> <li>• Public Safety and Elections</li> <li>• Tax and Fiscal Policy</li> </ul>	
Health and Human Services Task Force Reception, <i>by invitation only</i>	5:30 p.m. - 6:30 p.m.
International Relations Reception, <i>by invitation only</i>	5:30 p.m. - 6:30 p.m.
Reception	6:30 p.m. - 8:30 p.m.
Hospitality Suite	9:00 p.m. - 11:00 p.m.

## Friday, August 5

Friday, August 5	
Registration Open	7:30 a.m. - 12:30 p.m.
ALEC Exhibition Hall Open	9:30 a.m. - 12:00 p.m.
<b>Plenary Breakfast</b>	<b>8:00 a.m. - 9:15 a.m.</b>
Workshop IX	9:30 a.m. - 10:45 a.m.
Workshop X	9:30 a.m. - 10:45 a.m.
Workshop XI	11:00 a.m. - 12:15 p.m.
Workshop XII	11:00 a.m. - 12:15 p.m.
<b>Plenary Luncheon</b>	<b>12:30 p.m. - 2:15 p.m.</b>
Task Force Meetings	2:30 p.m. - 5:30 p.m.
<ul style="list-style-type: none"> <li>• Commerce, Insurance and Economic Development</li> <li>• Civil Justice</li> <li>• Education</li> <li>• Telecommunications and Information Technology</li> </ul>	
Telecommunications and Information Technology Task Force Reception	5:30 p.m. - 6:30 p.m.
Incoming Chairman's Reception, <i>by invitation only</i>	5:30 p.m. - 6:30 p.m.
State Night <i>Contact your state chair</i>	6:30 p.m.
Saturday, August 6	
Prayer Service**	9:00 a.m. - 10:30 a.m.
Experience New Orleans Activities	TBD
Shooting outing	

*\*Agenda subject to change*

*\*\* Unaffiliated event*



Commerce, Insurance & Economic Development Task Force  
2011 Annual Meeting  
Friday, August 5  
2:30 pm – 5:30 pm  
Room: LA Gallery 5  
Tentative Agenda

**1. Call to Order**

**2:30 PM**

Attendance

Approval of Minutes

Subcommittee Reports

a) Financial Services

b) Labor and Business Regulation

c) Transportation and Infrastructure

Introduction of New Members

**2. Model Legislation and Presentations**

**3:00 PM**

**“Establishing a Public-Private Partnership (P3) Authority Act”**

Mr. Geoff Segal, *Macquarie Capital USA*

**“Resolution in Support of a National Infrastructure Bank”**

Mr. Geoff Segal, *Macquarie Capital USA*

**PANEL: “Tapping the Private Sector to Save Money and Improve Performance”  
(50)**

Moderator: Mr. Geoff Segal, *Macquarie Capital USA*

Mr. Len Gilroy, *Reason Foundation*

Mr. Dustin Lanier, *Civic Initiatives, LLC*

Mr. Butch Eley, *AMOTIA Legislative Committee Chairman*

Mr. Michael Deane, *National Association of Water Companies*

**“Multiple Award Schedule Contracts Act”**

Mr. Thom Iles, *John Deere & Company*

**“Long Term Asset Management Act”**

Mr. Butch Eley, *AMOTIA*

**Amendments to the ALEC “Resolution on Franchise and Business Agreement  
Legislation”**

Mr. Jeff Perry, *General Motors*

Mr. Troy Flanagan, *International Franchise Association & Parquet Public Affairs*

**3. For the Good of the Order**

**5:25 PM**

**4. Adjournment**

**5:30 PM**



**Financial Services Subcommittee**

**2011 Annual Meeting**

**Wednesday, August 3**

**New Orleans, LA**

**9:00 a.m. – 9:45 a.m.**

**Room: LA Gallery 5**

**Tentative Agenda**

- 9:00 a.m. Welcome and Introductions**  
Representative Fred Steen, *NC*, Public Sector Chair  
Mr. Jamie Clark, *American Bankers Association*, Private Sector Chair
- 9:15 a.m. Presentation**  
  
**"They're From Washington and Here to Help (And Hurt) You:  
The Feds and the States in the Era of Dodd-Frank" (15)**  
Mr. Eli Lehrer, *Heartland Institute*
- 9:30 a.m. Vision for Subcommittee – Feedback from Membership**
- 9:40 a.m. For the Good of the Order**
- 9:45 a.m. Adjournment**



**Labor and Business Regulation Subcommittee**

**2011 Annual Meeting**

**Wednesday, August 3**

**New Orleans, LA**

**9:50 a.m. – 10:30 a.m.**

**Room: LA Gallery 5**

**Tentative Agenda**

- 9:50 a.m. Welcome and Introductions**  
Representative Dawn Pettengill, *IA*, Public Sector Chair  
Mr. Matt Lathrop, *YUM! Brands, Inc*, Private Sector Chair
- 10:00 a.m. Discussion**  
  
**Issue in the States: Paid Family Medical Leave (15)**
- 10:15 a.m. Vision for Subcommittee – Feedback from Membership**
- 10:25 a.m. For the Good of the Order**
- 10:30 a.m. Adjournment**



## **Transportation and Infrastructure Subcommittee**

**2011 Annual Meeting**

**Wednesday, August 3**

**New Orleans, LA**

**10:35 am – 11:30 am**

**Room: LA Gallery 5**

### **Tentative Agenda**

- 10:35 a.m. Welcome and Introductions**  
Delegate John Cosgrove, VA, Public Sector Chair  
Mr. Geoff Segal, *Macquarie Capital USA*, Private Sector Chair
- 10:40 a.m. Presentation**  
Mr. Patrick Rhode, *Cintra US* (10)
- 10:50 a.m. Proposed Model Legislation: Discussion and Advisory Vote**  
  
**“Establishing a Public-Private Partnership (P3) Authority Act”**  
Mr. Geoff Segal, *Macquarie Capital USA*  
  
**“Resolution in Support of a National Infrastructure Bank”**  
Mr. Geoff Segal, *Macquarie Capital USA*  
  
**“Long Term Asset Management Act”**  
Mr. Butch Eley, *AMOTIA*
- 11:05 a.m. Presentation: "Paying For Roads by the Mile Instead of the Gallon" (10)**  
Dr. Adrian Moore, *Reason Foundation*
- 11:15 a.m. Future Projects – Open Forum**
- 11:25 a.m. For the Good of the Order**
- 11:30 a.m. Adjournment**

**American Legislative Exchange Council**  
Commerce, Insurance, and Economic Development Task Force  
2011 Spring Task Force Summit  
April 29, 2011

**Attendees:**

**Public Sector** (14)

Rep. Gary L. Daniels, *New Hampshire* (Public Sector Stand-in Chair)  
Rep. E. Bradford Bennett, *Delaware*  
Rep. Jon A. Botten, *Wyoming*  
Rep. Josh S. Clark, *Georgia*  
Rep. Kristin A. Conzet, *South Dakota*  
Rep. Bill Kramer, *Wisconsin*  
Rep. John Klenke, *Wisconsin*  
Rep. Charles E. Martin Jr., *Georgia*  
Rep. Charles Michael Sargent Jr., *Tennessee*  
Sen. Walter Michel, *Mississippi*  
Rep. Fred F. Steen II, *North Carolina*  
Rep. Andrew M. Thompson, *Ohio*  
Rep. Joseph W. Uecker, *Ohio*  
Rep. Clarence J. Vranish, *Wyoming*

**Private Sector** (24)

Emory Wilkerson, *State Farm Insurance* (Private Sector Chair)  
Neil Alldredge, *National Association of Multiple Insurance Companies*  
Mark Bordas, *Anheuser-Busch Companies*  
Amanda Conochalla, *McDonald's Corporation*  
Derek L. Crawford, *Kraft Foods*  
David Foy, *Reed Elsevier*  
Eric Goldberg, *American Insurance Association*  
Kelly Hobbs, *Bank of America*  
Sally Jefferson, *Wine Institute*  
Mike Komaschka, *Reynolds American*  
Matthew P. Lathrop, *YUM! Brands*  
Richard McArdle, *United Parcel Service*  
Harry J. Monroe Jr., *Coventry Health Care*  
John Rabenold, *Community Financial Services Association* (Stand-in for Tommy Moore)  
Randy Mullet, *Con-way*  
Charles Pecchio, *MV VeriSol*  
Paul Pisano, *National Beer Wholesalers Association*  
Geoffrey Segal, *Macquarie Capital USA*  
Laurie Smalling, *Wal-Mart Stores*  
Alan B. Smith, *Heartland Institute*  
Kate Viar, *VISA U.S.A.*  
Joann Waiters, *American Counsel of Life Insurers*  
Wayne Weikel, *International Franchise Association*  
Joe Woods, *Property Casualty Insurers*



**Guests** (11)

Rep. Danny Bulp, *Ohio*

Roman Buhler, *Constitutional Advocates*

Ray Drake, *United Parcel Service*

Mark Giuffre, *UPS Airlines*

David Little, *The Little Family Real Estate Holding Company*

Cliff Morehead, *General Electric*

Rep. David Novstrup, *South Dakota*

Rep. Cliff Rosenberger, *Ohio*

Tracy Sandin, *American Insurance Association*

Andria Viola, *Delaware Legislature*

Rep. Ron Young, *Ohio*

**I. Preliminaries**

The task force approved the minutes of the December 2010 meeting by a unanimous voice vote.

**II. Presentations**

1. Trucking Industry Policy and Productivity Update with Mr. Randy Mullet, *Con-way*
2. Transportation Reauthorization with Dr. Adrian Moore, *Reason Foundation*
3. Oklahoma Insurance Issues with Rep. Mike Thompson (RET), *Oklahoma Insurance Department*

**III. Consideration of Model Legislation**

1. “A Resolution in Support of the Transportation Infrastructure Finance and Innovation Act” – by Mr. Geoffrey Segal, *Macquarie Capital USA*

This Resolution urges Congress to continue and work to expand the program created under the “Transportation Infrastructure Finance and Innovation Act” (TIFIA). The TIFIA program remains one of the critical methods available in this country to advance major transportation projects by leveraging private sector funding.

Motion to adopt the model resolution; passed public sector by a unanimous voice vote; passed private sector by a unanimous voice vote. **Resolution Passed.**

2. “State Council on Competitive Government Act”- by Mr. Leonard Gilroy, *Reason Foundation*

This bill was dual-referred from the Tax and Fiscal Policy Task Force.

Across the country there is a growing interest in making government more efficient, cost-effective, and competitive. This model legislation creates a [insert state] Council which represents key members of [insert state] leadership, with the statutory empowerment to take projects from concept to contract. The Council advances projects

that reexamine the method of delivering services in ways that improve efficiency, effectiveness, and results that are relevant to citizens.

This model was Dual Referred to the Commerce, Insurance, and Economic Development & Tax and Fiscal Policy Task Forces.

Motion to adopt the model legislation; passed public sector by a unanimous voice vote; passed private sector by a unanimous voice vote. **Bill Passed.**

**IV. For the Good of the Order**

**V. Adjournment**

# **DRAFT Establishing a Public-Private Partnership (P3) Authority Act**

## ***Summary***

This Act establishes a state Partnership Committee and an Office of Public-Private Partnerships to identify and establish public-private partnerships and approve qualified bidders, requests for proposals, and template contracts. The Act is designed to improve public operational efficiencies and environmental performance, promote public safety, attract private investment in the state, and minimize governmental liabilities.

## ***Legislation***

**{Title, enacting clause, etc.}**

### **Section 1. {Title}**

This Act may be cited as the “Establishing a Public-Private Partnership (P3) Authority Act”

### **Section 2. {Definitions}** The following definitions apply in this section:

(A) "Contract" means any purchase and sale agreement, lease, service agreement, franchise agreement, concession agreement, or other written agreement entered into under sections [insert sections here] of the Revised Code with respect to the provision of a public service and any project related thereto.

(B) "Improvement" means any construction, reconstruction, rehabilitation, renovation, installation, improvement, enlargement, or extension of property or improvements to property.

(C) "Partnership Committee" means a committee consisting of two members nominated by the President of the Senate, two members nominated by the Speaker of the House, two representatives of the responsible governmental agency, and two representatives of the Office of Budget and Management [or budget agency]. All members of the Committee will be appointed by the Governor. Five members of the Partnership Committee shall constitute a quorum. The Partnership Committee shall act only upon a decision of a majority.

(D) "Private sector entity" means any corporation, whether for profit or not for profit, limited liability company, partnership, limited liability partnership, sole proprietorship, business trust, joint venture or other entity, but shall not mean the state, a political subdivision of the state, or a public or governmental entity, agency, or instrumentality of the state.

(E) "Project" means real or personal property, or both, and improvements thereto or in support thereof, including undivided and other interests therein, used for or in the provision of a public service.

(F) "Proposer" means a private sector entity, a local or regional public entity or agency, or any group or combination thereof, submitting qualifications or a proposal for a public-private partnership contract.

(G) "Public service" means a service provided for a public purpose of the responsible state agency and identified in an invitation for qualifications or proposals under section [insert section here] of the Revised Code.

(H) "Responsible state agency" means the agency, department, commission, authority, or other instrumentality of the state responsible for the provision of the public service which is or is proposed to be the subject of a contract.

### **Section 3. {Public-Private Partnership}**

(A) The Partnership Committee shall have the authority to identify potential public-private partnerships, to approve a short-list of qualified bidders, to approve requests for proposals, and to approve template contracts before they are sent to bidders. The Partnership Committee shall operate with the assistance of the Office of Public-Private Partnerships.

(B) There shall be established within the Office of Budget and Management an Office of Public-Private Partnerships, which shall have the authority to charge fees for services it shall render as part of the procedures to establish Partnerships in accordance with Revised Code sections [insert sections here] and to receive money on loan to cover its operating expenses and to accomplish the purposes of Revised Code sections [insert sections here].

(C) The director of budget and management [or budget agency] and the authorized representative of a responsible state agency may jointly take any action and execute any contract for the provision of a public service in order to more efficiently and effectively provide public services, including by generating additional resources in support of those public services and related projects.

### **Section 4. {Project Selection}**

(A) Selection of Projects. Any proposer or responsible state agency may submit to the Partnership Committee one or more proposals for partnership projects in connection with any public service. The Partnership Committee shall identify potential projects and public services for which a public-private partnership may be appropriate from those received from a proposer, a responsible state agency, or those identified by the Partnership Committee itself. The Partnership Committee shall select such projects based on the partnership's potential to improve public operational efficiencies, improve

91 environmental performance, promote public safety, attract private investment in the state,  
92 and minimize governmental liabilities.

93  
94 (B) Public-Sector Comparators. After the Partnership Committee identifies a potential  
95 partnership for a public project or public service, the Office of Public-Private  
96 Partnerships shall conduct a public-sector comparator study of the potential partnership.  
97 The Partnership Committee shall determine the scope of each public sector comparator,  
98 which scope shall depend on the type of proposed partnership and the nature of the public  
99 service under consideration for the partnership. The following issues shall be considered  
100 as components of a public sector comparator:

101  
102 (1) The definition of the need served by the proposed partnership;

103  
104 (2) The cost required to meet the public need served by the public service under  
105 traditional procurements or traditional state agency operations;

106  
107 (3) An analysis of alternative methods for providing the public services under  
108 consideration, including but not limited to design-build, design-build-finance,  
109 design-build-finance-operate-maintain, service contracts, or leases, and how the  
110 alternative method(s) would meet the need served by the public service; and,

111  
112 (4) An evaluation of the cost/benefit of using an alternative method or public-  
113 private partnership to render a public service, which cost/benefit analysis shall  
114 include:

115  
116 (a) The potential cost of utilizing an alternative method;

117  
118 (b) The operational and technological risks involved in utilizing an  
119 alternative method;

120  
121 (c) A comparative analysis of rendering the public service by allowing the  
122 responsible state agency to utilize traditional methods;

123  
124 (d) The financial impact the partnership will have on the responsible state  
125 agency; and

126  
127 (e) The impact a partnership would have on job formation, economic  
128 growth, and the community in which the public service is to be rendered.

129  
130 (C) The Partnership Committee shall use the results of the public sector comparator to  
131 determine which public services and projects are appropriate for partnership. The Office  
132 of Public-Private Partnerships shall publish on its website the public sector comparator  
133 for each project to provide a public service for which a request for qualifications is  
134 initiated.

(D) The Office of Public-Private Partnerships shall publish notice of the intent to enter into a contract for a partnership for public service or related project, and shall prepare a request for qualifications for private sector entities interested in serving as proposers for the partnership. The notice shall notify interested parties of the opportunity to submit their qualifications for consideration and shall be published at least thirty days prior to the deadline for submitting those qualifications. The Office also may advertise the information contained in the notice in appropriate trade journals and otherwise notify parties believed to be interested in providing the public service and in any related project.

(E) After inviting qualifications, the Partnership Committee shall evaluate the qualifications submitted and may hold discussions with proposers to further explore their qualifications. Following this evaluation, the Partnership Committee may determine a list of qualified proposers based on criteria in the invitation, and invite only those proposers to submit a proposal.

(F) The Office of Public-Private Partnerships shall prepare a request for proposal and the proposed partnership contract, both of which shall be approved by the Partnership Committee. After the Partnership Committee's approval of the request for proposal and the partnership contract, the project shall be deemed an Approved Partnership Procurement.

(1) Partnership contracts may contain the terms and conditions to carry out and effect the purposes of sections [insert sections here] of the Revised Code, including the duration of the contract, which shall not exceed seventy-five years, rates or fees for the public services to be provided or methods or procedures for the determination of such rates or fees, standards for the public services to be provided, responsibilities and standards for operation and maintenance of any related project, required financial assurances, financial and other data reporting requirements, bases and procedures for termination of the contract and retaking of possession or title to the project, and events of default and remedies upon default, including mandamus, a suit in equity, an action at law, or any combination of those remedial actions.

(G) After proposals are received, the Office of Public-Private Partnerships, using the criteria established in the request for proposal by the Partnership Committee, shall evaluate the proposals submitted and may hold discussions with proposers to further explore their proposals, the scope and nature of the public service(s) they would provide, and the various technical approaches they may take regarding the public service and any related project. Following this evaluation, the Partnership Committee shall select and rank no fewer than three proposers that the Partnership Committee considers to be the most qualified to enter into the contract, except when the Partnership Committee determines that fewer than three qualified proposers are available, in which case the Partnership Committee shall select and rank them.

(H) After the proposers have been ranked by the Partnership Committee, the director of budget and management and the authorized representative of the responsible state agency

shall negotiate the contract with the proposer ranked most qualified to provide the public service at a compensation determined in writing to be fair and reasonable, and to purchase, lease or otherwise take a legal interest in the project.

(1) Upon failure to negotiate a contract with the proposer ranked most qualified, the director of budget and management shall inform the proposer in writing of the termination of negotiations and may enter, with the responsible state agency, into negotiations with the proposer ranked next most qualified. If negotiations again fail, the same procedure may be followed with each next most qualified proposer selected and ranked, in order of ranking, until a contract is negotiated and executed.

(2) If the director of budget and management and the authorized representative of the responsible state agency fail to negotiate a contract with any of the ranked proposers, the director of budget and management, in consultation with the responsible state agency, may terminate the process or select and rank additional proposers, based on their qualifications or proposals, and negotiations shall continue as with the proposers selected and ranked initially until a contract is negotiated.

(3) The director and the authorized representative of the responsible state agency may jointly reject any and all submissions of qualifications or proposals, and may jointly terminate the procurement process at any point.

(4) The director of budget and management and the authorized representative of the responsible state agency shall have the authority to make commercially reasonable changes to the partnership contract approved by the Partnership Committee. Any such contract may contain the terms and conditions to carry out and affect the purposes of sections [insert sections here] of the Revised Code.

## **Section 5. {Partnership Contracts}**

(A) Partnership contract shall be signed by both the director of budget and management and the authorized representative of the responsible state agency for which the public service at issue in the contract relates.

(B) The director of budget and management is authorized to receive and deposit any money received under the contract. Any such contract shall be sufficient to effect its purpose notwithstanding any provision of the Revised Code to the contrary, including other laws governing the sale, lease or other disposition of property or interests therein, service contracts, or financial transactions by or for the state.

(C) The Office of Public-Private Partnerships shall provide a report to the Speaker of the House and the President of the Senate explaining the value of the contract to the state and describing the procurement process by which the contract was reached.

228 **Section 6. {Ownership}**

229  
230 (A) The exercise of the powers granted by sections [insert sections here] of the Revised  
231 Code will be for the benefit of the people of the state and shall be liberally construed to  
232 effect the purposes thereof. As the performance of public services will constitute the  
233 performance of essential government functions, any project or part thereof owned by the  
234 state and used for performing any public service pursuant to a contract entered into under  
235 sections [insert sections here] of the Revised Code that would be exempt from taxation or  
236 assessments in the absence of such contract shall remain exempt from taxation and  
237 assessments levied by the state and its subdivisions to the same extent as if not subject to  
238 that contract. The gross receipts and income of a successful proposer derived from  
239 providing public services under a contract through a project owned by the state shall be  
240 exempt from taxation levied by the state and its subdivisions. Any transfer or lease  
241 between a proposer and the state of a project or part thereof, or item included or to be  
242 included in the project, shall be exempt from the taxes levied pursuant to Chapters [insert  
243 chapters here] of the Revised Code if the state is retaining ownership of the project or  
244 part thereof that is being transferred or leased.  
245

246 **Section 7. {Director's Responsibilities}**

247  
248 (A) The director of budget and management, in consultation with the responsible state  
249 agency, may retain or contract for the services of commercial appraisers, engineers,  
250 investment bankers, financial advisers, accounting experts, and other consultants,  
251 independent contractors or providers of professional services as are necessary in the  
252 judgment of the director to carry out the director's powers and duties under sections  
253 [insert sections here] of the Revised Code, including the identification of public services  
254 and any related projects to be subject to invitations for qualifications or proposals under  
255 sections [insert sections here] of the Revised Code, the development of those invitations  
256 and related evaluation criteria, the evaluation of those invitations, and negotiation of any  
257 contract under sections [insert sections here] of the Revised Code.  
258

259 **Section 8. {Severability Clause}**

260  
261 **Section 9. {Repealer Clause}**

262  
263 **Section 10. {Effective Date}**



# **DRAFT Resolution in Support of a National Infrastructure Bank**

## ***Summary***

This Resolution supports the establishment of a National Infrastructure Bank in order to provide credit assistance and encourage investment in infrastructure.

## ***Resolution***

**WHEREAS**, a National Infrastructure Bank is being debated by the United States Congress;

**WHEREAS**, a National Infrastructure Bank could provide credit assistance, such as low-interest direct loans to leverage scarce public funds and support projects, including public-private partnerships, that utilize a specific local revenue stream for repayment to nationally or regionally significant infrastructure projects; and

**WHEREAS**, it is in the economic interest of the State of [insert state] and the United States to encourage local investment in nationally and regionally significant infrastructure, create jobs in near and long term, and improve the quality of life for hard-working families and businesses who rely on major highways to access employment, customers, and their families;

**THEREFORE, BE IT JOINTLY RESOLVED** by the Assembly and Senate of the state of [insert state] that; should Congress establish a National Infrastructure Bank that is independent from other federal agencies, governed by a non-political board of directors, and established to make commercially-based credit decisions to support a variety of infrastructure projects with regional and/or national significance and be it Further

**BE IT FURTHER RESOLVED** that the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to the Majority Leader in the Senate, to each Senator and Representative from [insert state] in the Congress of the United States, to the Secretary of United States Department of Transportation, and to the author for appropriate distribution.

# DRAFT Multiple Award Schedule Contracts Act

## *Summary*

This Act requires state contracts to be awarded via Multiple Award Schedule (MAS) contracts. MAS contracts provide state agencies the freedom to evaluate vendors based upon a variety of factors including: discounts, total lifecycle costs, service, warranty, distribution channels, and past vendor performance. MAS contracts allow multiple vendors to compete and be awarded a contract based upon the value of their products or services and result in competitive pricing, transparency, administrative savings, expedited procurement, and flexibility for state purchasers.

## *Legislation*

{Title, enacting clause, etc.}

### **Section 1. {Title}**

This Act may be cited as the “Multiple Award Schedule Contracts Act”

### **Section 2. {Definitions}** The following definitions apply in this section:

(A) “Communications equipment:” mobile communications systems, desktop communications systems, base and repeater communications systems, gateway devices, audio switch units, radio routers, microwave radios, microwave antennae, Ethernet switches, wireless access points, or equivalent products and attachments.

(B) “Construction equipment” excavators, wheel excavators, track loaders, compact track loaders, wheel loaders, skid steer loaders, backhoe loaders, crawler dozers, crawler loaders, wheel dozers, motor graders, utility cranes, compactors, and appropriate attachments, or equivalent products and attachments.

(C) “Forestry equipment:” feller bunchers, knuckleboom loaders, forestry swing machines, harvesters, and appropriate attachments, or equivalent products and attachments.

(D) “Ground maintenance equipment:” hand-held equipment, walk-behind products, lawn tractors, lawn and garden tractors, commercial walk-behind mowers, zero turn radius mowers, front mowers, compact utility tractors, utility tractors, utility vehicles, golf and turf equipment, agricultural tractors and implements, and appropriate attachments, or equivalent products and attachments.

(E) “Multiple award schedule contract:” a contract that allows multiple vendors to be awarded a State contract for goods or services by providing their total catalogues for lines of equipment and attachments to eligible purchasers, including State agencies,

46 departments, institutions, public school districts, political subdivisions, community  
47 colleges, and constituent institutions of [insert state universities.]  
48

49 **Section 3. {Legislative Intent}**

50 (A) The intent of multiple award schedule contracts is to evaluate vendors based upon a  
51 variety of factors, including discounts, total lifecycle costs, service, warranty, distribution  
52 channel, and past vendor performance. Multiple award schedule contracts allow multiple  
53 vendors to compete and be awarded a contract based upon the value of their products or  
54 services and result in competitive pricing, transparency, administrative savings, expedited  
55 procurement, and flexibility for State purchasers.  
56

57 (B) The acquisition of ground maintenance equipment, construction equipment,  
58 communications equipment, and forestry equipment shall be conducted using multiple  
59 award schedule contracts, except as provided in this section. Not later than [insert date  
60 here], the Department of [Administration] shall issue requests for proposals for multiple  
61 award schedule contracts for all ground maintenance equipment product categories,  
62 construction equipment product categories, communications equipment product  
63 categories, and forestry equipment product categories. Contracts awarded under this  
64 subsection shall be for a term of not less than three years with annual product and pricing  
65 update periods.  
66

67 (C) Any contract awarded under subsection (B) of this section shall be in addition to any  
68 existing term contracts for ground maintenance equipment, construction equipment,  
69 communications equipment, and forestry equipment. Nothing in this section shall limit  
70 the ability of the Department of [Administration] to issue additional term contracts for the  
71 specific purchase of equipment otherwise available through a multiple award schedule  
72 contract. The Department of [Crime Control and Public Safety] shall not be required to  
73 purchase from contracts awarded under subsection (B) of this section for communications  
74 equipment.  
75

76 **Section 4. {Severability Clause}**

77  
78 **Section 5. {Repealer Clause}**

79  
80 **Section 6. {Effective Date}**  
81

# DRAFT Long Term Asset Management Act

## *Summary*

This Act encourages the state Department of Transportation to develop and implement long-term asset management strategies and programs for all transportation infrastructure assets. This Act also encourages the Department of Transportation to work in partnership with the private sector to achieve accountability, improve outcomes, and produce savings in an innovative, timely and cost efficient manner.

## *Legislation*

{Title, enacting clause, etc.}

### **Section 1. {Title}**

This Act may be cited as the “Long Term Asset Management Act”

### **Section 2. {Definitions}** The following definitions apply in this section:

(A) “Long term asset management strategies and programs:” programs or strategies of at least five (5) years duration that include maintenance and preservation activities for critical transportation infrastructure assets.

(B) “Critical transportation infrastructure assets within the right-of-way corridor:” shall include, but are not limited to, pavements, pavement markings, bridges and structures, guardrails/attenuators, signage, lighting and drainage.

(C) “Performance standards:” objectively measurable, outcome-based criteria which ensure the proper maintenance of transportation infrastructure assets within the right-of-way corridor and enhance asset preservation, safety, mobility, sustainability and accountability.

### **Section 3. {Requirements}**

(A) The Department of Transportation is hereby required to develop and implement long term asset management strategies and programs for critical transportation infrastructure assets in the right-of-way corridor. Such strategies and programs shall establish performance standards for each critical transportation infrastructure asset in the right-of-way corridor, as well as methods and procedures to measure performance for the purpose of ensuring consistent adherence to such performance standards. Additionally, the Department is encouraged to work in partnership with the private sector to responsibly increase the role of the private sector in asset management in order to achieve these goals in an innovative, timely and cost efficient manner.

### **Section 4. {Severability Clause}**

### **Section 5. {Repealer Clause}**

### **Section 6. {Effective Date}**

1 **MOTION**

2 **DRAFT Amendments to the “ALEC Resolution on Franchise and Business**  
3 **Agreement Legislation”**

4 *Introduced amendments underlined*

5 Mr. Jeff Perry, *General Motors*, and Mr. Troy Flanagan, *International Franchise Association &*  
6 *Parquet Public Affairs*, propose to amend the “ALEC Resolution on Franchise and Business  
7 Agreement Legislation” by introducing the following:

8 ***Summary***

9 This resolution recognizes business and franchise agreements as contracts, which, freely and  
10 openly entered into by the parties, should not be impaired. The resolution also recognizes that  
11 franchising is a business-to-business relationship not akin to that of employer-employee.

12 ***Model Resolution***

13 **WHEREAS**, the contract, either written or oral, is the fundamental basis for doing business in  
14 the United States, and;

15 **WHEREAS**, the area of contract law is a well-established and settled area of law with sound  
16 guiding principles outlined in the uniform commercial code, and;

17 **WHEREAS**, franchising has been a major source of economic expansion in the United States,  
18 particularly in the retail trade and service sectors, providing entrepreneurs with a proven route to  
19 business ownership and;

20 **WHEREAS**, business and franchise agreements are contracts that govern the duties and  
21 obligations of the parties to the contract, and;

22 **WHEREAS**, classifying franchisees as “employees” is a misinterpretation of labor policy and  
23 deprives franchise investors of valuable economic opportunities, and;

24 **WHEREAS**, parties to business and franchise agreements have legal remedies available under  
25 common law and state and federal statutes to resolve contractual disputes, and;

26 **WHEREAS**, the U.S. Constitution and most state constitutions specifically prohibit impairment  
27 of contracts freely and openly entered into by the parties, and;

28 **WHEREAS**, legislation which alters the pre-existing and prospective terms of the contract  
29 serves only to discourage the establishment of business and franchise agreements, and limits the  
30 parties' ability to choose from a variety of business relationships,

31 **NOW THEREFORE BE IT RESOLVED**, that the American Legislative Exchange Council  
32 opposes enactment of laws that interfere with business and franchise agreements freely and  
33 openly entered into by parties.

34 *Original Resolution language from 1996 ALEC Sourcebook of Legislation*

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Commerce, Insurance, & Economic Development  
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## **Mission Statement**

The American Legislative Exchange Council's mission is...

To advance the Jeffersonian Principles of free markets, limited government, federalism, and individual liberty through a nonpartisan public-private partnership among America's state legislators, concerned members of the private sector, the federal government, and the general public.

To promote these principles by developing policies that ensure the powers of government are derived from, and assigned to, first the People, then the States, and finally the Federal Government.

To enlist state legislators from all parties and members of the private sector who share ALEC's mission.

To conduct a policy making program that unites members of the public and private sector in a dynamic partnership to support research, policy development, and dissemination activities.

To prepare the next generation of political leadership through educational programs that promote the principles of Jeffersonian democracy, which are necessary for a free society.

## **SCHOLARSHIP POLICY BY MEETING**

### ***ALEC Spring Task Force Summit:***

1. ***Spring Task Force Summit Reimbursement Form:*** ALEC Task Force Members are reimbursed by ALEC up to \$350.00 for travel expenses. Receipts must be forwarded to the ALEC Policy Coordinator and approved by the Director of Policy.
2. ALEC Task Force Members' room & tax fees for up to a two-night stay at the host hotel are covered by ALEC.
3. Registration fees are not covered; however, Task Force Members may submit registration expenses for payment from their state scholarship account upon approval of the State Chair.
4. *Official Alternate Task Force Members* (chosen by the State Chair and whose names are given to ALEC more than 35 days prior to the meeting to serve in place of a Task Force Member who cannot attend) are reimbursed in the same manner as Task Force Members.
5. ***State Scholarship Reimbursement Form:*** Any fees above the set limit, or expenses other than travel and room expenses can be submitted by Task Force Members for payment from their state scholarship account upon the approval of the State Chair. Receipts must be submitted to the State Chair, who will submit the signed form to the Director of Membership.
6. *Non-Task Force Members* can be reimbursed out of the state scholarship fund upon State Chair approval. Receipts must be submitted to the State Chair, who will submit the appropriate signed form to the Director of Membership.

### ***ALEC Annual Meeting:***

***State Scholarship Reimbursement Form:*** State scholarship funds are available for reimbursement by approval of your ALEC State Chair. Expenses are reimbursed after the conference, and may cover the cost of travel, room & tax, and registration. Receipts are to be submitted to the State Chair, who will then submit the signed form to the Director of Membership.

### ***ALEC States & Nation Policy Summit:***

1. ***States & Nation Policy Summit Reimbursement Form:*** ALEC offers two scholarships per state to cover the cost of travel, room & tax, and registration not to exceed \$1,000.00 per person for a total of \$2,000.00 per state. ALEC scholarship recipients must be named by the ALEC State Chair. Expenses are submitted to the State Chair and reimbursed after the conference. The State Chair submits the signed form to the Director of Membership.
2. ***State Scholarship Reimbursement Form:*** Any other fees or payments must come out of the state scholarship account, with the approval of the State Chair. Receipts must be submitted to the State Chair, who submits the signed form to the Director of Membership.

### ***ALEC Academies:***

***Academy Reimbursement Form:*** Attendees of ALEC Academies are reimbursed by the Task Force Committee hosting the Academy. Attendees will receive a form at the Academy, and will be reimbursed up to \$500.00 for travel, and room & tax fees for a two-night stay by ALEC. Receipts must be forwarded to the appropriate Task Force Director and approved by the Director of Policy.

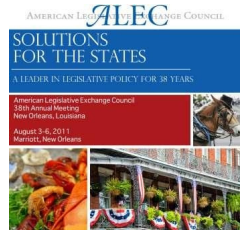
# ATTENDEE

## REGISTRATION / HOUSING FORM

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

Early registration deadline: June 7, 2011  
Standard registration deadline: July 11, 2011  
Housing cut-off date: July 11, 2011

New Orleans Marriott - New Orleans, LA



Online  
www.alec.org

Fax (credit cards only)  
202.331.1344

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Prefix (required) ☐ Sen ☐ Rep ☐ Del ☐ Mr ☐ Mrs ☐ Ms ☐ Other \_\_\_\_\_  
Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_ Badge Nickname \_\_\_\_\_  
Title \_\_\_\_\_  
Organization (required) \_\_\_\_\_  
Address \_\_\_\_\_ Suite # \_\_\_\_\_  
City \_\_\_\_\_ State/Province \_\_\_\_\_ Country \_\_\_\_\_ ZIP/Postal code \_\_\_\_\_  
Daytime phone \_\_\_\_\_ Fax \_\_\_\_\_ Alternate phone \_\_\_\_\_  
Email (confirmation will be sent by email) \_\_\_\_\_  
Spouse / Guest / Kids' Congress: Please complete the Spouse / Guest / Kids' Congress registration form.

### REGISTRATION INFORMATION

**\*\*Save \$100 on registration by booking your hotel room in ALEC's headquarter hotel\*\***

**DISCOUNTED REGISTRATION FEES** are extended only to registrants booking in ALEC's headquarter hotel. Your \$100 savings will become valid when accommodations are confirmed.

	EARLY until June 7	STANDARD until July 11	ON-SITE begin July 12	DAILY	Amount
<input type="checkbox"/> I am already registered: Order # _____					
<b>** Please note that member fees are subject to verification</b>					
<input type="checkbox"/> ALEC Legislative Member	\$475	\$575	\$675	\$295	\$ _____
<input type="checkbox"/> Legislator / Non-Member	\$575	\$675	\$725	\$395	\$ _____
<input type="checkbox"/> ALEC Private Sector Member	\$840	\$930	\$1099	\$595	\$ _____
<input type="checkbox"/> Private Sector / Non-Member	\$975	\$1065	\$1350	\$695	\$ _____
<input type="checkbox"/> ALEC Non-Profit Member (501(c)(3) status required)	\$610	\$685	\$760	\$395	\$ _____
<input type="checkbox"/> Non-Profit Non-Member (501(c)(3) status required)	\$725	\$800	\$875	\$495	\$ _____
<input type="checkbox"/> Legislative Staff / Government	\$650	\$750	\$900	\$495	\$ _____
<input type="checkbox"/> ALEC Legacy Member	\$0	\$0	\$0	\$0	\$ _____
Promo Code _____	TOTAL REGISTRATION FEES: \$ _____				

#### METHOD OF REGISTRATION PAYMENT

**Credit Card:** Credit cards will be charged immediately. Please fax to the above number for processing.

☐ Amer Express ☐ Visa ☐ MasterCard

Card # \_\_\_\_\_

Cardholder (please print) \_\_\_\_\_

Exp Date (mm/yy) \_\_\_\_\_ Security Code \_\_\_\_\_

Signature \_\_\_\_\_

**Note:** Registration forms with enclosed payments must be received by 5pm Eastern on the following dates to be eligible for discounted registration rates: June 7, 2011, for early registration rates, or July 11, 2011, for standard registration rates. Forms and/or payments received after July 11, 2011, will be subject to the on-site registration rate. If registering after July 11, 2011, please bring completed form and payment to register on-site.

#### REGISTRATION CONFIRMATION INFORMATION

Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed, faxed, or mailed within 72 hours of receipt of payment.

#### REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5pm Eastern July 11, 2011 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5pm Eastern July 11, 2011.

### HOUSING

**RESERVATION CUTOFF FOR ALEC DISCOUNTED RATE IS 12pm Eastern July 11, 2011**

**\*\*Save \$100 on registration by booking your hotel room in ALEC's headquarter hotel\*\***

☐ I do not require a reservation at this time.

Arrival Date \_\_\_\_\_ Departure Date \_\_\_\_\_

☐ Sharing room with \_\_\_\_\_

#### Room type

<input type="checkbox"/> Single	(1 person - 1 bed)	\$ 183
<input type="checkbox"/> Double	(2 persons - 1 bed)	\$ 213
<input type="checkbox"/> Dbl/Dbl	(2 persons - 2 beds)	\$ 213
<input type="checkbox"/> Triple	(3 persons - 2 beds)	\$ 243
<input type="checkbox"/> Quad	(4 persons - 2 beds)	\$ 273

A limited number of **suites** are available upon request. Please call 800.228.9290 for additional information.

#### Special requests

☐ ADA room required:  
\_\_\_\_ Audio \_\_\_\_ Visual \_\_\_\_ Mobile  
☐ Rollaway / crib: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

#### METHOD OF HOUSING PAYMENT

☐ Please use the same method of payment as above.

**Credit Card:** Credit cards will be used to guarantee the reservation

☐ Amer Express ☐ Visa ☐ MasterCard ☐ Discover

Card # \_\_\_\_\_

Cardholder (please print) \_\_\_\_\_

Exp Date (mm/yy) \_\_\_\_\_ Security Code \_\_\_\_\_

Signature \_\_\_\_\_

\* All rates DO NOT include state and local tax currently 13% plus occupancy tax \$3.00 (subject to change)

**Note:** Cutoff for reservations at the ALEC rate is July 11, 2011. After July 11, 2010, every effort will be made to accommodate new reservations, based on availability and rate.

#### HOUSING CONFIRMATION INFORMATION

Online reservations will receive immediate email confirmation. Reservations received by form will be confirmed via email, fax, or mail within 72 hours of receipt.

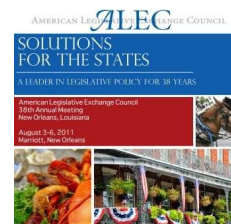
#### HOUSING CANCELLATION / REFUND INFORMATION

Credit cards will be charged one night room and tax in the event of a no show or if cancellation occurs within 72 hours prior to arrival. Departures prior to the departure date confirmed by the hotel at check-in will result in a charge of \$100 plus tax. Please obtain a cancellation number when your reservation is cancelled.



# SPOUSE / GUEST KIDS' CONGRESS REGISTRATION FORM

AMERICAN LEGISLATIVE EXCHANGE COUNCIL  
**ALEC**



Early registration deadline: May 2, 2011  
Standard registration deadline: July 11, 2011

New Orleans Marriott - New Orleans, LA

Online  
www.alec.org

Fax (credit cards only)  
202.331.1344

Phone / Questions • Mon-Fri, 9am-5:30 pm Eastern  
202.742.8538

Mail • ALEC Registration & Housing  
P.O. Box 96754 • Washington, DC 20090-6754

**IMPORTANT: Please identify the ALEC attendee**

## ALEC ATTENDEE Profile Information

First Name	Last Name	REGISTRATION ORDER NUMBER
Daytime Phone		
Email (Confirmation will be sent by email)		

## SPOUSE / GUEST / KIDS' CONGRESS Registration Fees

	(#) x	EARLY until May 2	STANDARD until July 11	ON-SITE begin July 12	DAILY	Amount
A. Spouse / Guest / Child 18 yrs or older	( ) x	\$150	\$150	\$150	n/a	= \$
B. Kid's Congress (6 months to 17 yrs) <b>for ALEC Members Full Conference Rate</b>	( ) x	\$250	\$350	\$550	n/a	= \$
C. Kid's Congress (6 months to 17 yrs) <b>for Non-ALEC Members Full Conference Rate</b>	( ) x	\$350	\$450	\$650	n/a	= \$
D. Kid's Congress (6 months to 17 yrs) <b>Day rate: Wed., Thurs., or Fri.</b>	( ) x	\$150	\$150	\$250	n/a	= \$

SPOUSE / GUEST / KID'S REGISTRATION FEE(s) TOTAL \$

## Spouse / Guest / Child Names Please list the names of the spouse / guest / children below

Spouse / Guest / Child Name	Child Date of Birth	Registration Type A,B,C,D (above)	Spouse / Guest / Child Name	Child Date of Birth	Registration Type A,B,C,D (above)
1.			5.		
2.			6.		
3.			7.		
4.			8.		

## Payment Information

**Credit Card:** Credit cards will be charged immediately. Please fax to the above number for processing.

<input type="checkbox"/> American Express	Card #	
<input type="checkbox"/> Visa	Cardholder (please print)	
<input type="checkbox"/> MasterCard	Exp Date (mm/yy)	Security Code
	Signature	

**Check / money order:** Payment must be in U.S. currency drawn on a U.S. bank. Please make check payable to ALEC Registration and send to above address.

**Note:** Registration forms with enclosed payments must be received by 5pm Eastern on the following dates to be eligible for discounted registration rates: May 2, 2011, for early registration rates, or July 11, 2011, for standard registration rates. Forms and/or payments received after July 11, 2011 will be subject to the on-site registration rate. If registering after July 11, 2011 please bring completed form and payment to register on-site.

## Confirmation Information

Online registrants will receive immediate confirmation via email. If registering by written form, confirmation will be emailed (if address provided), faxed, or mailed within 72 hours of receipt of payment.

## Cancellation / Refund Information

Registrations cancelled prior to 5:00 p.m. (EST) July 11, 2011 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5:00 p.m. (EST) July 11, 2011.



## **American Legislative Exchange Council TASK FORCE OPERATING PROCEDURES**

### ***I. MISSION OF TASK FORCES***

Assume the primary responsibility for identifying critical issues, developing ALEC policy, and sponsoring educational activities which advance the Jeffersonian principles of free markets, limited government, federalism, and individual liberty. The mission will be accomplished through a non-partisan, public and private partnership between ALEC's legislative and private sector members in the specific subject areas assigned to the Task Force by the Board of Directors.

### ***II. TASK FORCE RESPONSIBILITIES***

- A. Task Forces have the primary responsibility for identifying critical issues and developing ALEC's official policy statements and model legislation appropriate to the specific subject areas of the Task Force.
- B. Task Forces serve as forums for an exchange of ideas and sharing of experiences between ALEC's state legislator and private sector members.
- C. Task Forces are responsible for developing and sponsoring the following educational activities appropriate to the specific subject area of the Task Force:
  - publications that express policy positions, including, but not limited to State Factors and Action Alerts;
  - educational communication and correspondence campaigns;
  - issue specific briefings, press conferences and press campaigns;
  - witness testimony and the activities of policy response teams;
  - workshops at ALEC's conferences; and
  - specific focus events.
- D. The Executive Director is to ~~Task Forces are responsible for developing an annual budgets,~~ which shall include expenses associated with Task Force meetings and educational activities. A funding mechanism to finance all meetings and educational activities proposed by Task Forces must be available before they can be undertaken.

### ***III. GENERAL PROCEDURES***

- A.** Requests from ALEC members for policy statements, model legislation and educational activities shall be directed by the Executive Director to the appropriate Task Force, or the Board of Directors if the issue does not fall within the jurisdiction of any Task Force. The appropriate Public and Private Sector Task Force Co-Chairs determine the agenda for each Task Force meeting, and the meetings will be called and conducted in accordance with these Operating Procedures.

The Director of Policy with the consent of the Executive Director assigns a model bill or resolution to the most appropriate Task Force based on Task Force content and prior jurisdictional history 35 days before a Task Force Meeting. All Task Force Co-Chairs will be provided an email or fax summary of all model bills and resolutions 35 days before the Task Force meeting

If both the Co-Chairs of a Task Force are in agreement that they should have jurisdiction on model legislation or a resolution, the legislation or resolution will be considered by the Task Force. If the other Task Force Co-Chairs believe they should have jurisdiction or if the author of the model bill or resolution does not agree on the jurisdictional assignment of the bill, they will have 10 days after the 35-day mailer deadline to submit in writing or by electronic appeal to the Director of Policy their intent to challenge the jurisdiction assignment. The Director of Policy will notify the Executive Director who will in turn notify the National Chair and the Private Enterprise Board Chair. The National Chair and the Private Enterprise Board Chair will in turn refer the matter in question to the Board of Directors Task Force Board Committee. The Director of Policy will establish a conference call for the Task Force Board Committee co- chairs, the author, the affected Task Force Co-Chairs and the Director of Policy at a time convenient for all participants.

The Task Force Board Committee Co-Chairs shall listen to the jurisdictional dispute by phone or in person within 10 days of the request. If both Task Force Board Committee Co-Chairs are in agreement that the Director of Policy made an incorrect jurisdictional referral, only then will the model bill or resolution be reassigned to a committee as they specify once agreed upon by the National Chair and the Private Enterprise Board Chair. The bill or model resolution is still eligible to be heard in whatever Task Force it is deemed to be assigned to as if submitted to the correct Task Force for the 35-day mailer. The National Chair and the Private Enterprise Board Chair decision is final on this model bill or resolution.

Joint referral of model legislation and/or resolutions are allowed if all the affected Task Force Co-Chairs agree. All model legislation and resolutions that have been referred to, more than one Task Force must pass the identical language in both Task Forces within two consecutive Task Force meetings. It is at the Task Force

Co-Chairs discretion how they will handle the hearings of the model legislation or resolution. Both sets of co-chairs have the ability to call a working group, subcommittee, or simply meet consecutively or concurrently if necessary.

If the Task Force co-chairs both agree to waive jurisdiction, they may do so as long as another Task Force still has jurisdiction.

The National Chair and the Private Sector Board Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.

- B. The National Chair and the Private Sector Board Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.
- C. The Board of Directors shall have ultimate authority over Task Force procedures and actions including the authority to create, to merge or to disband Task Forces and to review Task Force actions in accordance with these Operating Procedures. Nothing in these Operating Procedures prohibits the Board of Directors from developing ALEC policy; however, such a practice should be utilized only in exceptional circumstances. Before the policy is adopted by the Board of Directors, it should be sent to the Public and Private Sector Task Force Co-Chairs under whose jurisdiction the matter falls for review and comment back to the Board of Directors.
- D. The operating cycle of a Task Force is two years. A new operating cycle begins on January 1 of each odd numbered year and ends on December 31 of the following even numbered year. Task Force activities shall be planned and budgeted on an annual basis within each two-year operating cycle.
- E. ~~At the ALEC Annual Meeting, each Task Force will be responsible for determining an operating budget for the succeeding calendar year. The Executive Director will notify the Task Force Co-Chairs, at the ALEC Annual Meeting, what inflation factor will be used by the Task Force to determine the operating~~

~~and programming budgets. Task Force membership and budget information will be reported to the Executive Director by the Public and Private Sector Task Force Co-Chairs. The Executive Director will present this information to the Board of Directors at its regular fall meeting.~~

- F. If a Task Force is unable to develop an operating budget, the Board of Directors will determine whether to continue the operations of the Task Force. This determination will be made according to: (1) the level of membership on the Task Force, and (2) the need for continued services developed by the Task Force for ALEC.
- G. The Board of Directors shall have the authority to allocate limited general support funds to finance the annual operating budget of Task Forces that meet the requirements prescribed in Section III (E). The Executive Director shall determine, and report to the Board of Directors, the amount of general support funds available to underwrite such Task Forces.

#### ***IV. MEMBERSHIP AND MEMBER RESPONSIBILITIES***

- A. The membership of a Task Force consists of legislators who are members in good standing of ALEC and are duly appointed to the Task Force, in accordance with Section VI (A) and private sector organizations that are full members of ALEC, contribute to the assessment for the Task Force operating budget, and are duly appointed to the Task Force, in accordance with Section VI (B). Private sector organizations that were full members of ALEC and contributed the assessment for the Task Force's operating budget in the previous year, can be appointed to the Task Force for the current year, conditional upon renewal of full ALEC membership and receipt of the current year's assessment for the Task Force operating budget prior to March 31<sup>st</sup>, unless an alternative date has been approved by the Executive Director.
- B. Each Task Force shall have least two Co-Chairs; a Public Sector Task Force Co-Chair and a Private Sector Task Force Co-Chair. The Public Sector Task Force Co-Chair must be a member of the Task Force and appointed in accordance with Section VI (A). The Private Sector Co-Chair must represent a private sector member of the Task Force and be appointed in accordance with Section VI(B). The Co-Chairs shall be responsible for:
  - (1) calling the Task Force and the Executive Committee meetings to order, setting the agenda and co-chairing such meetings;
  - (2) appointing and removing legislators and private sector members to and from the Task Force Executive Committee and subcommittees;
  - (3) creating subcommittees, and determining each subcommittee's mission, membership limit, voting rules, deadlines, and term of service; and

- (4) selecting Task Force members to provide support for and against Task Force policies during formal Board reviews.
- C. Each Task Force shall have an Executive Committee appointed by the Public and Private Sector Task Force Co-Chairs that is appropriate in number to carry out the work product and strategic plan of ALEC and the Task Force. The Executive Committee shall consist of the Public Sector Task Force Co-chair, the Private Sector Task Force Co-Chair, the subcommittee co-chairs, and the remainder will be an equal number of legislative and private sector Task Force members. The Executive Committee will be responsible for determining the operating budget and proposing plans, programs and budgets for the succeeding year in accordance with (Section V (B); determining if a proposed educational activity conforms to a previously approved model bill, resolution or policy statement in accordance with (Section IX (F); and determining if an emergency situation exists that justifies waiving or reducing appropriate time limits in accordance with (Section VIII (H)).
- D. Each Task Force may have any number of subcommittees, consisting of Task Force members and advisors to focus on specific areas and issues and make policy recommendations to the Task Force. The Task Force Co-chairs, shall create subcommittees and determine each subcommittee's mission, membership limit, voting rules, deadlines, and term of service. Any model bill, resolution or policy statement approved by a subcommittee must be approved by the Task Force before it can be considered official ALEC policy.
- E. Each Task Force may have advisors, appointed in accordance with Section VI (G). Advisors shall assist the members and staff of the Task Force. They shall be identified as advisors on official Task Force rosters, included in all official Task Force mailings and invited to all Task Force meetings. Advisors may also have their expenses paid at Task Force meetings covered by the Task Force operating budget with the approval of the Task Force Co-Chairs. An advisor cannot be designated as the primary contact of a private sector Task Force member, cannot be designated to represent a private sector Task Force member at a Task Force, Executive Committee, or subcommittee meeting, and cannot offer or vote on any motion at a Task Force, Executive Committee, or subcommittee meeting.

## ***V. Task Force Budgets***

- A. Each Task Force shall develop and operate a yearly budget to fund meetings.
- B. The operating budget shall be used primarily to cover expenses for Task Force meetings, unless specific funds within the budget are authorized for other use by the Task Force. The operating budget shall be assessed equally among the private sector members of the Task Force. The Executive Director, in consultation with the Task Force Co-Chairs shall determine which costs associated with each meeting will be reimbursed from the operating budget. Any funds remaining in a

Task Force's operating budget at the end of a year are transferred to ALEC's general membership account.

- C. The operating budget shall not be used to cover Task Force meeting expenses associated with alternate task force members' participation, unless they are appointed by their State Chair to attend the Spring Task Force Summit with the purpose to serve in place of a Task Force Member who is unable to attend. Task Force meeting expenses of alternate task force members shall be covered by their state's scholarship account.
- D. The programming budget shall be used to cover costs associated with educational activities. Contributions to the programming budget are separate, and in addition to operating budget contributions and annual general support/membership contributions to ALEC. The Executive Director shall determine the contribution required for each educational activity.

## ***VI. PROCESS FOR SELECTING TASK FORCE MEMBERS, CHAIRS, COMMITTEES AND ADVISORS***

- A. Prior to February 1 of each odd-numbered year, the current and immediate past National chairman will jointly select and appoint in writing three legislative members and three alternates to the Task Force who will serve for the current operating cycle, after receiving nominations from ALEC's Public and Private State Chairs, the Executive Director and the ALEC Public and Private Sector members of the Board. At any time during the year, the National Chairman may appoint in writing new legislator members to each Task Force, except that no more than three legislators from each state may serve as members of any Task Force, no legislator may serve on more than one Task Force and the appointment cannot be made earlier than thirty days after the new member has been nominated. In an effort to ensure the nonpartisan nature of each Task Force, it is recommended that no more than two legislators of any one political party from the same state be appointed to serve as members of any Task Force. A preference will be given to those ALEC legislator members who serve on or chair the respective Committee in their state legislature. A preference will be given to legislators who sponsor ALEC Task Force model legislation in the state legislature.
- B. Prior to January 10 of each odd-numbered year, the current and immediate past National Chairman will jointly select and appoint in writing the Task Force Chair who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Chair and may be placed in rank order prior to transmittal to the Executive Director no later than December 1 of each even-numbered year. No more than five names may be submitted in nomination by the outgoing Task Force chair. The current and immediate past National Chairmen will jointly make the final selection, but

should give strong weight to the recommendations of the outgoing Task Force Chair. In an effort to empower as many ALEC leaders as possible, State Chairs and members of the Board of Directors will not be selected as Task Force Chairs. Task Force Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past National Chairmen may reappoint a Task Force Chair to a second operating cycle term.

- C. Prior to February 1 of each odd numbered year, the Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members of the Task Force Executive Committee, who will serve for the current operating cycle. The Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members and advisors to any subcommittee.
- D. Prior to February 1 of each year, the Private Enterprise Board Chair and the immediate past Private Enterprise Board Chair will select and appoint in writing the private sector members to the Task Force who will serve for the current year. The appointment letter shall be mailed to the individual designated as the primary contact for the private sector entity. At any time during the year, the Chair of the Private Enterprise Board may appoint in writing new private sector members to each Task Force, but no earlier than thirty days after the new member has qualified for full membership in ALEC and contributed the assessment for the appropriate Task Force's operating budget.
- E. Prior to January 10 of each odd-numbered year, the Chair of the Private Enterprise Board and the immediate past Private Enterprise Board Chair will select and appoint in writing the Task Force Private Sector Co-Chair who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Private Sector Chair and may be placed in rank order prior to transmittal to the Chair of the Private Enterprise Board. The Chair and the immediate past Chair of the Private Enterprise Board will make the final selection, but should give strong weight to the recommendations of the outgoing Private Sector Task Force Co-Chair. In an effort to empower as many ALEC private sector members as possible, Private Enterprise State Chairs and members of the Private Enterprise Board will not be selected as Private Sector Task Force Co-Chairs. Private Sector Task Force Co-Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past Chair of the Private Enterprise Board may reappoint a Task Force Private Sector Chair to a second operating cycle term.
- F. Prior to February 1 of each odd-numbered year, the Task Force Private Sector Co-Chair will select and appoint in writing the private sector members of the Task Force Executive Committee, who will serve for the current operating cycle. The Task Force Private Sector Co-Chair shall select and appoint in writing the private sector members of any subcommittees.



- G. The Public and Private Sector Task Force Co-Chairs, may jointly appoint subject matter experts to serve as advisors to the Task Force. The National Chair and the Private Enterprise Board Chair may also jointly recommend to the Task Force Co-Chairs subject matter experts to serve as advisors to the Task Force.

## ***VII. REMOVAL AND VACANCIES***

- A. The National Chair may remove any Public Sector Task Force Co-Chair from his position and any legislative member from a Task Force with or without cause. Such action will not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive Task Force meetings.
- B. The Public Sector Task Force Co-Chair may remove any legislative member of an Executive Committee or subcommittee from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive meetings.
- C. The Chairman of the Private Enterprise Board may remove any Private Sector Task Force Co-Chair from his position and any private sector member from a Task Force with cause. Such action shall not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues. .
- D. The Private Sector Task Force Co-Chair may remove any private sector member of an Executive Committee or subcommittee from his position with cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues.
- E. The Public and Private Sector Task Force Co-Chairs may remove an advisor from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such advisor whose removal is proposed.
- F. Any member or advisor may resign from his position as Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, public or private sector Task Force member, Task Force advisor, Executive Committee member or subcommittee member at any time by writing a letter to that effect to the Public Sector and Private Sector Task Force Co-Chairs. The letter should specify the effective date of the resignation, and if none is specified, the effective date shall be the date on which the letter is received by the Public and Private Task Force Co-Chairs.

- G. All vacancies for Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, Executive Committee member and subcommittee member shall be filled in the same manner in which selections are made under Section VI. All vacancies to these positions must be filled within thirty days of the effective date of the vacancy.

## ***VIII. MEETINGS***

- A. Task Force meetings shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs. Task Force meetings cannot be held any earlier than thirty-five days after being called, unless an emergency situation has been declared pursuant to Section VIII(H), in which case Task Force meetings cannot be held any earlier than ten days after being called. It is recommended that, at least once a year, the Task Forces convene in a common location for a joint Task Force Summit. Executive Committee meetings shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs and cannot be held any earlier than three days after being called, unless the Executive Committee waives this requirement by unanimous consent.
- B. At least forty-five days prior to a task force meeting any model bill, resolution or policy must be submitted to ALEC staff that will be voted on at the meeting. At least thirty-five days prior to a Task Force meeting, ALEC staff shall distribute copies of any model bill, resolution or policy statement that will be voted on at that meeting. This requirement does not prohibit modification or amendment of a model bill, resolution or policy statement at the meeting. This requirement may be waived if an emergency situation has been declared pursuant to Section VIII(H).
- C. All Task Force meetings are open to registered attendees and invited guests of ALEC meetings and conferences. Only regular Task Force Members may introduce any resolution, policy statement or model bill. Only Task Force members will be allowed to participate in the Task Force meeting discussions and be seated at the table during Task Force meetings, unless otherwise permitted by the Public and Private Sector Task Force Co-Chairs.
- D. ALEC private sector member organizations may only be represented at Task Force and Executive Committee meetings by the individual addressed in the appointment letter sent pursuant to Section VI(D) or a designee of the private sector member. If someone other than the individual addressed in the appointment letter is designated to represent the private sector member, the designation must be submitted in writing to the Public and Private Sector Task Force Co-Chairs before the meeting, and the individual cannot represent any other private sector member at the meeting.

- E. All Task Force and Executive Committee meetings shall be conducted under the guidelines of Roberts Rules of Order, except as otherwise provided in these Operating Procedures. A copy of the Task Force Operating Procedures shall be included in the briefing packages sent to the Task Force members prior to each meeting.
- F. A majority vote of legislative members present and voting and a majority vote of the private sector members present and voting, polled separately, are required to approve any motion offered at a Task Force or Executive Committee meeting. A vote on a motion to reconsider would be only with the sector that made the motion. Members have the right, in a voice vote, to abstain and to vote present by roll-call vote. In all votes a member can change their vote up until the time that the result of the vote is announced. Only duly appointed members or their designee as stated in Section VIII (D) that are present at the meeting may vote on each motion. No proxy, absentee or advance voting is allowed.
- G. The Public Sector Task Force Co-Chair and the Private Sector Task Force Co-Chair, with the concurrence of a majority of the Executive Committee, polled in accordance with Section VIII (F), may schedule a Task Force vote by mail or ~~fax~~ any form of electronic communication on any action pertaining to policy statements, model legislation or educational activity. The deadline for the receipt of votes can be no earlier than thirty-five days after notification of the vote is mailed or ~~faxed~~ notified by any form of electronic communication, unless an emergency situation is declared pursuant to Section VIII (H), in which case the deadline can be no earlier than ten days after notification is mailed or ~~faxed~~ notified by any form of electronic communication. Such votes are exempt from all rules in Section VIII, except: (1) the requirement that copies of model legislation and policy statements be mailed or ~~faxed~~ notified by any form of electronic communication with the notification of the vote and (2) the requirement that a majority of legislative members voting and a majority of the private sector members voting, polled separately, is required to approve any action by a Task Force.
- H. For purposes of Sections VIII(A), (B) and (G), an emergency situation can be declared by:
- (1) Unanimous vote of all members of the Task Force Executive Committee present at an Executive Committee meeting prior to the meeting at which the Task Force votes on the model bill, resolution or policy statement; or
  - (2) At least three-fourth majority vote of the legislative and private sector Task Force members (voting in accordance with Section VIII (F)) present at the meeting at which the members vote on the model bill, resolution or policy statement.

- I. Ten Task Force members shall constitute a quorum for a Task Force meeting. One-half of the legislative and one-half of the private sector members of an Executive Committee shall constitute a quorum for an Executive Committee meeting.

## IX. ***REVIEW AND ADOPTION PROCEDURES***

- A. All Task Force policy statements, model bills or resolutions shall become ALEC policy either: (1) upon adoption by the Task Force and affirmation by the Board of Directors or (2) thirty days after adoption by the Task Force if no member of the Board of Directors requests, within those thirty days, a formal review by the Board of Directors. General information about the adoption of a policy position may be announced upon adoption by the Task Force.
- B. The Executive Director shall notify the Board of Directors of the approval by a Task Force of any policy statement, model bill or resolution within ten days of such approval. Members of the Board of Directors shall have thirty days from the date of Task Force approval to review any new policy statement, model bill or resolution prior to adoption as official ALEC policy. Within those thirty days, any member of the Board of Directors may request that the policy be formally reviewed by the Board of Directors before the policy is adopted as official ALEC policy.
- C. A member of the Board of Directors may request a formal review by the Board of Directors. The request must be in writing and must state the cause for such action and a copy of the letter requesting the review shall be sent by the National Chairman to the appropriate Task Force Chair. The National Chairman shall schedule a formal review by the Board of Directors no later than the next scheduled Board of Directors meeting.
- D. The review process will consist of key members of the Task Force, appointed by the Task Force Chair, providing the support for and opposition to the Task Force position. Position papers may be faxed or otherwise quickly transmitted to the members of the Board of Directors. The following is the review and adoption procedures:
  - Notification of Committee: Staff will notify Task Force Chairs and the entire task force when the Board requests to review one of the Task Forces' model bills or resolutions.
  - Staff Analysis: Will be prepared in a neutral fashion. The analyses will include:
    - History of Task Force action
    - Previous ALEC official action/resolutions
    - Issue before the board
    - Proponents arguments

- Opponents arguments
- Standardized Review Format: To ensure fairness, a set procedure will be used as the format to ensure the model bill/resolution has a fair hearing before the Board.
  - Task Force Chair(s) will be invited to attend the Board Review
  - Task Force Chair(s) will decide who will present in support and in opposition for the model bill/resolution before the Board.
  - Twenty minutes that is equally divided will be given for both sides to present before the Board.
  - It is suggested that the Board not take more than twenty minutes to ask questions of the presenters.
  - Presenters will then be excused and the Board will have a suggested twenty more minutes for discussion and vote.
  - All votes will be recorded for the official record.
- Notification of Committee: The Director of Policy will notify presenters immediately after the vote. If the Board votes to send the model bill/resolution back to the task force, the Board will instruct the Director of Policy or another board member what to communicate.

E. The Board of Directors can:

- (1) Vote to affirm the policy or affirm the policy by taking no action, or
- (2) Vote to disapprove the policy, or
- (3) Vote to return the policy to the Task Force for further consideration providing reasons therefore.

F. Task Forces may only undertake educational activities that are based on a policy statement, model bill or resolution that has been adopted as official ALEC policy, unless the Task Force votes to undertake the educational activity, in which case the educational activity is subjected to the same review process outlined in this Section. It is the responsibility of the Task Force Executive Committee to affirm by three-fourths majority vote conducted in accordance with Section VIII that an educational activity conforms to a policy statement, model bill or resolution.

## **X. EXCEPTIONS TO THE TASK FORCE OPERATING PROCEDURES.**

Exceptions to these Task Force Operating Procedures must be approved by the Board of Directors.